

## SUBCHAPTER D—FOREIGN SERVICE IMPASSE DISPUTES PANEL

### PART 1470—GENERAL

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AUTHORITY: 22 U.S.C. 4107(c), 4110.

SOURCE: 46 FR 45879, Sept. 15, 1981, unless otherwise noted.

#### Subpart A—Purpose

##### § 1470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 4110 of title 22 of the United States Code. They prescribe procedures and methods which the Foreign Service Impasse Disputes Panel may utilize in the resolution of negotiation impasses.

#### Subpart B—Definitions

##### § 1470.2 Definitions.

(a) The term *Department* as used herein shall have the meaning set forth in 22 U.S.C. 3902 and 4103, and § 1421.4 of subchapter C of these regulations.

(b) The terms *labor organization*, and *conditions of employment* as used herein shall have the meanings set forth in 22 U.S.C. 4102.

(c) The term *Executive Director* means the Executive Director of the Federal Service Impasse Panel as defined in 5 U.S.C. 7119(c).

(d) The terms *designated representative* or *designee* of the Panel means a Panel member, a staff member, or other individual designated by the Panel to act on its behalf pursuant to 22 U.S.C. 4110(c)(1).

(e) The term *hearing* means a fact-finding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 22 U.S.C. 4110.

(f) The term *impasse* means that point in the negotiation of a collective bar-

gaining agreement at which the parties are deadlocked, notwithstanding their efforts to reach agreement by direct negotiations and other voluntary arrangements, if any.

(g) The term *Panel* means the Foreign Service Impasse Disputes Panel described in 22 U.S.C. 4110(a) or a quorum thereof.

(h) The term *party* means the Department or the labor organization participating in the negotiation of a collective bargaining agreement.

(i) The term *quorum* means three (3) or more members of the Panel.

(j) The term *voluntary arrangements* means any appropriate technique, not inconsistent with the provisions of 22 U.S.C. 4110, used by the parties to assist in the negotiation of a collective bargaining agreement.

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APPENDIX B TO CHAPTER XIV—MEMORANDUM DESCRIBING THE AUTHORITY AND ASSIGNED RESPONSIBILITIES OF THE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY UNDER THE FOREIGN SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

AUTHORITY: 22 U.S.C. 4107(c), 4110.

SOURCE: 46 FR 45879, Sept. 15, 1981, unless otherwise noted.

##### § 1471.1 Request for Panel consideration.

If direct negotiations and other voluntary arrangements for settlement, if

any, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Panel to consider the matter by filing a request as hereinafter provided; or

(b) The Panel may, pursuant to 22 U.S.C. 4110(a), undertake consideration of the matter upon request of the Executive Director.

#### **§ 1471.2 Content of request.**

A request from a party or parties to the Panel for consideration of an impasse must be in writing and include the following information:

(a) Identification of the parties and individuals authorized to act on their behalf;

(b) Statement of issues at impasse and the summary of positions of the initiating party or parties with respect to those issues; and

(c) Number, length, and dates of negotiation sessions held, including the nature and extent of all other voluntary arrangements utilized.

#### **§ 1471.3 Where to file.**

Requests to the Panel provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Director, Federal Service Impasses Panel, Suite 209, 1730 K Street NW., Washington, D.C. 20006.

#### **§ 1471.4 Copies and service.**

Any party submitting a request for Panel consideration of an impasse and any party submitting a response to such requests shall file an original and one copy with the Panel, shall serve a copy promptly on the other party to the dispute, and shall file a statement of such service with the Executive Director. When the Panel acts on a request from the Executive Director, it will notify the parties to the dispute.

#### **§ 1471.5 Investigation of request; Panel recommendation and assistance.**

Upon receipt of a request for consideration of an impasse, the Panel or its designee will promptly conduct an investigation. After due consideration, the Panel shall either:

(a) Decline to assert jurisdiction in the event that it finds that no impasse

exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(b) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Panel considers appropriate.

#### **§ 1471.6 Preliminary hearing procedures.**

When the Panel determines that a hearing is necessary under § 1471.5 it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) Issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state (1) the names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representative appointed by the Panel; and (5) the issues to be resolved.

#### **§ 1471.7 Conduct of hearing and prehearing conference.**

(a) A designated representative of the Panel, when so appointed to conduct a hearing, shall have the authority on behalf of the Panel to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpoenas;

(2) Conduct the hearing in open or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted (an original and one (1) copy of each brief, accompanied by a statement of service, shall be submitted to the designated representative of the Panel with a copy to the other party); and

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons